IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.RAMACHANDRAN
&
THE HONOURABLE MR. JUSTICE A.K.BASHEER

TUESDAY, THE 12TH DECEMBER 2006 / 21ST AGRAHAYANA 1928

WP(C).No. 27441 of 2006(S)

OPHMA.83/2006 of FAMILY COURT, NEDUMANGAD
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PETITIONER:

BIJI, D/O.K. GOPINATHAN,
BIJI COTTAGE, SIVAGIRI, VARKALA,
THIRUVANANTHAPURAM REPRESENTED BY
POWER OF ATTORNEY HOLDER K. GOPINATHAN,
S/O.KESAVAN, RESIDING AT BIJI COTTAGE,
SIVAGIRI, VARKALA, THIRUVANANTHAPURAM.

BY ADV. SRI.K.T.SHYAMKUMAR
SRI.R.NARENDRAN NAIR

RESPONDENTS:

RAJESH, S/O. RAJENDRAN,
DHANIKA, VENJARAMOODU, THIRUVANANTHAPURAM.

BY ADV. SRI.G.SUDHEER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

EXT.P1-TRUE COPY OF THE POWR OF ATTORNEY DATED 6.7.2006 EXECUTED BY THE PETITIONER.

EXT.P2-TRUE COPY OF THE VAKKALATH FILED ON BEHALF OF THE PETITIONER ON 13.9.2006

EXT.P3-TRUE COPY OF THE PETITION DATED 15.9.2006 ALONG WITH THE MEDICAL CERTIFICATE FILED BY THE PETITIONER BEFORE THE FAMILY COURT, NEDUMANGAD.

EXT.P4-TRUE COPY OF THE ORDER DATED 25.9.2006 IN I.A.2232/2006 IN OP 83/2006 OF THE FAMILY COURT, NEDUMANGAD.

EXT.P5-TRUE COPY OF THE "B" DIARY IN O.P.83/2006 OF THE FAMILY COURT, NEDUMANGAD.

EXT.P6-TRUE COPY OF THE PETITION FILED AS I.A.NO.2367/2006 FILED BY THE PETITIONER BEFORE THE FAMILY COURT, NEDUMANGAD.

EXT.P7-TRUE COPY OF OP NO.83/2006 ON THE FILES OF THE FAMILY COURT, NEDUMANGAD.

// TRUE COPY //

M. RAMACHANDRAN & A.K. BASHEER, JJ.

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W.P.(C).NO.27441 OF 2006-S

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DATED THIS THE 12TH DAY OF DECEMBER, 2006.

JUDGMENT

Ramachandran, J.

Situated as they are, the parties may not be keen on paying or receiving cost, but as could be gatherable from the submission, they want a quietus to the issue. The wife who is the petitioner herein, submits that it may be possible for her to come to India in the first week of March, 2007 and if the case is given a posting during the second week of March, she can partake in the proceedings for facilitating the court to decide the matter expeditiously.

2. It may be necessary at least in certain cases like this, for the court to give some preference, and the convenience of the parties are to be noticed, so as to see that there is no arbitrariness in the process of adjudication.

3. Resultantly, we set aside that part of the order directing payment of cost. The order setting aside the petitioner ex-parte will also stand annulled. The suit is to be listed for hearing during the second week of March 2007. We record the undertaking of the parties that there will be co-operation from their side, although they are poles apart in their view points.

The writ petition is disposed of with the above directions

(M.Ramachandran, Judge.)

(A.K. Basheer, Judge.)

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